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Assistant Commissioner for Patents, Washington, D.C. 20231, on October 11, 2001.


Cheryl Y. Price



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Takashi NAKAMURA

Serial No.: 09/509,968

Filing Date: April 4, 2000

For: GAME APPARATUS AND
COMMUNICATION GAME SYSTEM

Examiner: Not Assigned

Group Art Unit: Not Assigned

RENEWED PETITION UNDER 37 C.F.R. § 1.137(b) AND
PETITION UNDER 37 C.F.R. § 1.182

Assistant Commissioner for Patents
Washington, D.C. 20231

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The PTO did not receive the following
listed item(s) *Q. the P. 1/30*

Adjustment date: 03/13/2002 LLANDGRA
03/06/2002 RANVER 00000069 031952 09509968
02 FC:122 Dear Sir 130.00 CR

In response to the Decision of the PCT Legal Examiners dated July 16, 2001, to which the period for response has been extended to October 16, 2001 by the accompanying Petition for Extension of Time, the Applicant hereby renews and requests reconsideration of the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b) (the "Petition for Revival"), previously filed on April 13, 2001. The Petition for Revival is incorporated herein by reference.

The Applicant further petitions under 37 C.F.R. § 1.182 that the inventor's name be corrected to read "Takashi NAKAMURA." The inventor's name was misspelled when the United States national phase application was filed on April 4, 2000. The circumstances leading

10/19/2001 AUCNDRAFI 00000015 031952 09509968

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to the misspelling of the inventor's name are detailed in the accompanying Declaration of Yasuo Yajima, Japanese patent attorney for the Applicant. Briefly, the error occurred due to an ambiguity in the pronunciation and translation of the Japanese Kanji characters representing the inventor's first name. Those characters are commonly pronounced "Takayuki" in Japanese, however, a less common pronunciation of the same characters is "Takashi." The original application was filed according to the common pronunciation. However, in connection with the preparation of the Inventor's Declaration for Utility Patent Application, filed concurrently with the Petition for Revival, it was discovered that the correct pronunciation of the inventor's name is "Takashi." "Takayuki Nakamura" and "Takashi Nakamura" are one and the same person. A Petition to Correct Inventor's Name was filed concurrently with the Petition for Revival, and is incorporated herein by reference.

The PCT Legal Examiners did not consider the Petition to Correct Inventor's Name acceptable and dismissed the Petition. Because the Petition to Correct Inventor's Name was dismissed, the inventor's Declaration for Utility Patent Application was also deemed not acceptable by PCT Legal Examiners. The Applicant respectfully requests reconsideration of the dismissal of the Petition to Correct Inventor's Name, or alternatively, a correction of the inventor's name under the instant Petition under 37 C.F.R. § 1.182. Upon the correction of the inventor's name, the Applicant respectfully requests the acceptance of the Declaration for Utility Patent Application, and the reconsideration and granting of the Petition for Revival.

A check in the amount of \$130.00 is attached. The Assistant Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this paper, or to credit any overpayment, to Deposit Account No. 03-1952.

Respectfully submitted,

Dated: October 11, 2001

By: 

Stanley H. Thompson
Registration No. 45,160

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PATENT
Docket No. 49774.20002.00
Client Reference FN10-PCT(u)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Takashi NAKAMURA

Serial No.: 09/509,968

Filing Date: April 4, 2000

For: GAME APPARATUS AND
COMMUNICATION GAME SYSTEM

Examiner: Not Assigned

Group Art Unit: Not Assigned

DECLARATION OF YASUO YAJIMA

Hon. Commissioner of Patents
Washington, D.C. 20231

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Dear Sir:

I, Yasuo Yajima, declare as follows:

1. I am a Japanese patent attorney for Namco Limited ("Namco"), the assignee of U.S. Patent Application Serial No. 09/509,968 (the "'968 Application").
2. I prepared International Application No. PCT/JP99/04226 and filed it in the Japanese Patent Office on August 5, 1999.
3. As instructed by Namco, on March 28, 2000, I directed our United States patent attorney, David Fehrman, to proceed with the United States national phase of PCT/JP99/04226.
4. The '968 Application is the United States national phase of International Application No. PCT/JP99/04226.
5. An error in the spelling of the inventor's name occurred when the International Application was filed.

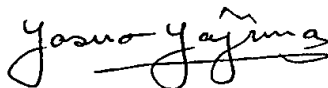
6. As discussed in Exhibit A hereto, the error occurred due to an ambiguity in the pronunciation and translation of the Japanese Kanji characters representing the inventor's first name. Those characters are commonly pronounced "Takayuki" in Japanese and I filed the International Application based upon this assumption. However, a less common pronunciation of the same characters is "Takashi."

7. In connection with the preparation of the Inventor's Declaration for Utility Patent Application to be filed with the Petition for Revival for the '968 Application, I discovered that the actual pronunciation and translation of the inventor's name is "Takashi."

8. Upon this discovery, I directed our United States patent attorney, Stanley H. Thompson, to correct the name of the inventor to "Takashi Nakamura."

9. "Takayuki Nakamura" and "Takashi Nakamura" are one and the same person.

I further declare that all statements made of my own knowledge herein and in attached Exhibit A are true and that all statements made on information and belief herein and in attached Exhibit A are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.



Yasuo Yajima

Dated: 29 September, 2001
Day Month Year

Executed at Yokohama, Japan

Progress of Application

With respect to the U.S. Patent Application(PCT) Serial No.09/509,968:

(1) According to the instruction of NAMCO LIMITED, Yasuo YAJIMA (Japanese patent attorney) prepared an application and filed it to the Japanese Patent Office on August 6, 1998. The Japanese patent application number is (Hei.) 10-222533.

According to the instruction of NAMCO LIMITED, Yasuo YAJIMA prepared an international application and filed it to the Japanese Patent Office as a receiving office on August 5, 1999.

According to the instruction of NAMCO LIMITED, Yasuo YAJIMA sent an order letter for PCT national phase of the international application to Mr. Fehrman on March 28, 2000.

(2) The inventor's name is described "中村 隆之" by Japanese Kanji. "隆之" is a first name of the inventor. This Kanji "隆之" is commonly pronounced "Takayuki" in Japanese. However, the same Kanji rarely has several pronunciations. The inventor's first name "隆之" is pronounced "Takashi". This is rare case.

When filing the PCT Application, Yasuo YAJIMA misunderstood the pronunciation of "隆之". Therefore, the inventor's name is mistaken.

When filing the declaration, Yasuo YAJIMA was aware of this mistake.

With respect to the U.S. Patent Application(PCT) Serial No.09/529,020:

(1) According to the instruction of NAMCO LIMITED, Yasuo YAJIMA (Japanese patent attorney) prepared an application and filed it to the Japanese Patent Office on August 5, 1998. The Japanese patent application number is (Hei.) 10-222011.

According to the instruction of NAMCO LIMITED, Yasuo YAJIMA prepared an international application and filed it to the Japanese Patent Office as a receiving office on August 5, 1999.

According to the instruction of NAMCO LIMITED, Yasuo YAJIMA sent an order letter for PCT national phase of the international application to Mr. Fehrman on March 28, 2000.

(2) The inventor's name is described "中村 隆之" by Japanese Kanji. "隆之" is a first name of the inventor. This Kanji "隆之" is commonly pronounced "Takayuki" in Japanese. However, the same Kanji rarely has several pronunciations. The inventor's first name "隆之" is pronounced "Takashi". This is rare case.

When filing the PCT Application, Yasuo YAJIMA misunderstood the pronunciation of "隆之". Therefore, the inventor's name is mistaken.

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EXHIBIT A